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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 2624 of 2003

Date of decision:24.9.2007

Karan Singh and another **...Appellants**

Versus

M/s Priya Rubber Industries and another **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: None for the appellants.

Mr. Deepak Garg and
Mr. Brijeshwar Singh Kanwar, Advocates for
Mr. Govind Goel, Advocate for respondent No.2

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RAJESH BINDAL, J.

The plaintiffs are in second appeal before this court whereby their suit for declaration and permanent injunction has been dismissed by both the Courts below.

2. The claim made in the suit is that some area owned by the appellants/plaintiffs was acquired by respondent no.2 whereas some part of it was not acquired. However, still the possession thereof had been taken and plots have been carved out therefrom. Accordingly, the prayer was for declaration to the effect that the appellants/plaintiffs are in possession of the suit land and consequently injunction was prayed for not dispossessing the appellants/plaintiffs from the suit land forcibly.

3. Both the Courts below found that land in the area was acquired by the State of Punjab for establishment of Leather Complex. The land which is sought to be disputed by the appellants/plaintiffs has not been shown to be in their ownership. Even plaintiff's own statement could not be relied upon for the reasons that he was only partially cross-examined and thereafter he did not appear for further cross examination. Rather it was

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also found by both the Courts below that the dispute land bearing Khasra No. 40/26 measuring 1 Kanal 5 Marlas was also acquired by the Punjab Government and compensation thereof had been paid to the appellants/plaintiffs. There is no material on record to take a view otherwise, especially when even the appellants/plaintiffs have failed to prove their case before the Courts below by leading any cogent evidence or even appearing himself for completion of his cross examination.

4. Accordingly, I do not find any merit in the present appeal and the same is dismissed.

September 24, 2007 **(Rajesh Bindal)**
Pka **Judge**